

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 10/09/02      Item 4.e.

File Number  
SF 02-016

Application Type  
Single-Family House Permit

Council District  
10

Planning Area  
Almaden

Assessor's Parcel Number(s)  
577-33-059

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Teresa Estrada

Location: 6295 McAbee Road

Gross Acreage: 0.46

Net Acreage: 0.46

Net Density: 2.17 DU/AC

Existing Zoning: R-1-5 Residence

Existing Use: Single-family detached residence

Proposed Zoning: No Change

Proposed Use: New single-family detached residence with overall height of 33' 7"

### GENERAL PLAN

Completed by: Teresa Estrada

Land Use/Transportation Diagram Designation  
Low Density Residential (5.0 DU/AC)

Project Conformance:  
☒ Yes    ☐ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: Teresa Estrada

North: Single-family detached residential

R-1-5 Residence

East: Single-family detached residential

R-1-5 Residence

South: Single-family detached residential

R-1-5 Residence

West: Single-family detached residential

R-1-5 Residence

### ENVIRONMENTAL STATUS

Completed by: Teresa Estrada

☐ Environmental Impact Report found complete  
☐ Negative Declaration circulated on  
☐ Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: Teresa Estrada

Annexation Title: Casey No. 8

Date: May 27, 1963

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions  
☐ Denial  
☐ Uphold Director's Decision

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT

### OWNER/DEVELOPER

M. Jason Mundy  
2295 Fenian Drive  
Campbell, CA 95008

Betty J. Brown  
1283 Chateau Drive  
San Jose, CA 95120

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PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: Teresa Estrada

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Department of Public Works

None received.

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Other Departments and Agencies

None received

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GENERAL CORRESPONDENCE

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None received.

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ANALYSIS AND RECOMMENDATIONS

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**BACKGROUND**

The applicant is requesting a Single-Family House Permit to allow the demolition of an existing house previously destroyed by fire and the construction of a new 2,713 square-foot, two-story single-family detached residence. The proposed house would have an overall height of approximately 33 feet 7 inches and a floor area ratio (FAR) of 0.14, in the R-1-5 Residence Zoning District. Most commonly, Single-Family House Permits are required when the FAR exceeds 0.45. Although this is not the case in this instance, the Zoning Code also requires a Single-Family House Permit for a new or expanded house whereby the residence would exceed 30 feet in height. Procedurally, approvals for taller houses such as this, require approval by the City Council.

Although not specifically subject to City Council or Planning Commission approval, a Tentative Parcel Map (File No. T02-047) was filed concurrently with this Single-Family House Permit to allow subdivision of the existing 0.46 gross acre site into two lots for residential purposes. This subdivision would result in the proposed residence on the new lot of approximately 11,574 square feet with a FAR of 0.23. The proposed plans reflect the project as designed upon completion of the pending subdivision. The “newly created” adjacent lot would be 8,389 square feet. A house of approximately 3,691 square feet (0.44 F.A.R.) could be constructed on this lot without triggering the requirement of a Single Family House Permit.

A Special Use Permit (File No. SP02-014) to allow the construction of an 816-square foot detached two-car garage with workshop area was also filed concurrently with the subject application Single Family House permit. Per Section 20.30.500 of the Zoning Code, a Special Use Permit is required to allow square footage of an accessory structure beyond 650 square feet. This project is conditioned for the development of a standard two-car garage. Staff is proposing to complete the processing of the Special Use Permit upon the approval of the subject permit.

The site is surrounded by single-family detached residential uses on all sides and across the street.

**ENVIRONMENTAL REVIEW**

The proposed project is exempt from environmental review under Section 15301 of the California Quality Act Guidelines because it consists of construction of a single-family structure.

## GENERAL PLAN CONFORMANCE

The proposed single-family residential use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Low Density Residential (5.0 DU/AC) in that the net density is 2.17 DU/AC.

## ANALYSIS

This proposal, with the inclusion of the staff recommended conditions, is consistent with requirements and development standards of the Zoning Code, and the intent of the *Single-Family Design Guidelines* adopted by the City Council on December 14, 1999. The purpose of the Single Family House Permit is to enhance the character, stability, integrity, and appearance of single family neighborhoods and zoning districts. The *Guidelines* go beyond the basic requirements of the Zoning Code to provide direction to ensure that new or enlarged single-family residences are compatible with their surrounding neighborhood in terms of scale and architectural style, and that the design elements are true to the overall style of the house. Listed below is an analysis of conformance of the guideline elements that have significant relevance with this proposal.

**Height.** The R-1-5 Residence Zoning District allows a maximum height of 35 feet and 2.5 stories. The *Guidelines* state that although 30 feet is preferred, building heights up to 35 feet may be considered for new houses under certain circumstances. An example of acceptable conditions would be when the proposed house is located in a neighborhood with a predominant block pattern of houses taller than 30 feet, and if the new house is not higher than the tallest of the adjacent houses.

The proposed house is located in a neighborhood which includes a significant number of tall houses. Three adjacent houses to the south on McAbee Estates Place have heights of 37'1", 34'8", and 37'4". Due to the orientation of the subject lot, the proposed house will have a closer geographical relationship with the taller adjacent houses on McAbee Estates Place, than with any of the other houses in the general vicinity. The new house, proposed at 33'7", is no taller than any of these existing residences and is, therefore, consistent with the neighborhood pattern. The houses along Deb Court, located to the north, while generally two stories in height, are slightly lower in overall mass, due primarily to gentler pitch roofs.

The related subdivision proposal will create a new vacant lot for another future house at the corner of Deb Court and McAbee Road. This could present an opportunity for a house design on that site that appropriately transitions between the two architectural styles that exist on McAbee Estates Place and Deb Court. It should be noted, however, that a house on the corner lot could be designed and built in a manner that would not be subject to design review by the City.

**Side Setback Requirements.** The minimum side setback requirement for the R-1-5 Residence Zoning District is five (5) feet. However, the *Single-Family House Guidelines* recommend that proposed houses taller than 30 feet be considered only when located on larger lots and upon the inclusion of side setbacks of at least 25 feet. The intent of this policy is, in part, to compensate for any massing impacts that would result from a house design that is taller than 30 feet and has only a minimal setback.

The applicant's current proposal is to provide just a five foot minimum setback from the adjacent lots to the south. While the number of windows on the south elevation of the proposed house has been minimized, the massing of the new residence is still at issue. In this instance, the subject parcel is quite large (over 11,000 square feet), even with the proposed subdivision and should be able to reasonably accommodate a larger side setback.

In this case since the closest adjacent structures are also over 30 feet tall, strict adherence to the 25-foot side setback guideline may not be as important as would otherwise be the case if the project interface was with a lot(s) that included a lower profile house(s). It is for this reason that Staff feels that a reduced setback of 15 feet meets the *intent* of the policy given the particular context. Further, a 15-foot setback could be easily accommodated on the lot with the house design as currently proposed by merely reducing the width of the driveway and shifting the unit closer to the other side property line.

Shifting the unit to accommodate this 15-foot setback would result in a reduction in the other side setback (north side) to a minimum of about 17 feet. Since the side of the house next to the driveway is much more articulated, with substantially less building mass facing the side, the resulting setback seems appropriate. Staff has included a condition in this permit to require the applicant to modify the site plan to accommodate the setback objectives prior to the issuance of a Building Permit.

***Garage Placement.*** In general, new garages should be located and sized consistent with the established pattern in the neighborhood. This is of substantial importance in older neighborhoods that have existing development patterns featuring detached garages located behind the house. This is not a particularly critical design necessity in newer neighborhoods that have front facing attached garages. Although this house has a detached garage in an area predominantly developed with attached garages, the subject parcel is nestled between corner lots that have garages oriented to the adjacent side streets. Since McAbee Road is a relatively wide street and substantially separated from visual standpoint from houses across the street, replicating a front facing garage design was not deemed critical in this instance.

Under the R-1-5 Residence Zoning District regulations, the detached garage must be limited to 650 square feet unless otherwise approved with a Special Use Permit (SUP). It is beyond the scope of this Single Family House Permit to address the proposed larger garage. A SUP application for the garage is pending, but Staff has deferred taking any action on the application until the matter of the subject Single-Family House Permit has been resolved. The design as currently shown on the plans exceeds the 650 square foot limitation and, therefore, this permit has been "conditioned" to either reduce the garage in size or obtain approval of a SUP.

***Building Design/Architectural Style.*** New single-family houses or additions should be appropriately compatible with the surrounding neighborhood with rooflines and slopes, and materials appropriate to the style of the house. A number of architectural styles exist within the surrounding neighborhood. Each of these adjacent residences has its own distinct architectural features, providing a variety of rooflines and materials. The proposed residence takes its architectural styling cues from the residences to the south and east of the site, providing similar slope roof elements, window treatments, and façade treatment. The proposed residence will be compatible architecturally with surrounding residences and is deemed to be in substantial conformance with the Single Family Design Guidelines.

***Balconies and Decks.*** The design guidelines recommend that new balconies or decks be built no closer than 10 feet to adjacent single-family side property lines and no closer than 20 feet to adjacent rear property lines. The second story balcony at the rear of the house is set back approximately 80 feet from the rear property line. The deck also conforms to the recommended side setback requirements.

## **RECOMMENDATION**

The Planning Staff recommends that the Planning Commission recommend to the City Council that the requested Single-Family House Permit be approved with the following special conditions:

1. The site plan shall be modified to “shift” the proposed house design to reflect a minimum side setback of 15 feet prior to the issuance of a Building Permit.
2. The detached garage shall be limited to no more than 650 square feet in size or obtain an approved Special Use Permit in accordance with SJMC Title 20.